REMARKS

After entry of the above amendments, claims 1, 3-11, 13-21, 23-36 will be pending in the present application. Claims 1, 4-8, 11, 14-18, 21, and 24-28 have been amended to delete unnecessary language, to explicitly recite what was implicit, to further clarify the invention, and/or to correct informalities. Amendments to the claims are not intended to limit the scope of the invention. New claims 31-36 have been added. Support for the claim amendments and new claims can be found, for instance, on pages 12-14 of the specification. Claims 2, 12, and 22 have been cancelled. Applicant reserves the right to pursue any of the cancelled claims and any of the amended claims in their original form in a continuation application. No new matter has been added.

Examiners Al-Hashemi and Colan are thanked for speaking with the Applicant's attorney over the telephone on May 16, 2006. Although no agreements were reached, Applicant wishes to thank the Examiners for taking the time to discuss the present application and the cited art.

§ 102 / § 103 Rejections

Claims 1, 3-5, 9, 11, 13-15, 19, 21, 23-25, and 29 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,853,992 to Igata (hereinafter "Igata"). Claims 6, 10, 16, 20, 26, and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Igata in view of U.S. Patent No. 6,836,778 to Manikutty et al. (hereinafter "Manikutty"). Claims 7-8, 17-18, and 27-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Igata in view of U.S. Patent Publication No. 2004/0243553 to Bailey (hereinafter "Bailey").

Claim 1, as amended, recites "storing a hint within the at least one child pointer, the hint being related to the corresponding child node, wherein the at least one child pointer further comprises a node slot number of the corresponding child node" (emphasis added). The Office action states:

> Igata discloses . . . storing a hint in the at least one child pointer (Fig. 12C, item 41, PART1, PART2, PART3, Col. 14, lines 28-33, Igata). . . . Examiner interprets the link in "PART ID" to PART 1, 2 as the hint.

(February 28, 2006 Office action, pg. 3).

Igata is directed to providing "a hierarchical index which expresses the structure of each structured document such that the hierarchical relationship among documents parts is expressed in a tree structure in which a 'meta part' is treated as a single node; a text index in which a character string contained in text data of each 'document part' is registered; and search means which receives a user's query in a tree structure and converts it to a Boolean expression" (col. 4, lns. 22-31 of Igata).

During the interview, the Examiner explained that the "hierarchical index" in Igata is being construed as disclosing the "hierarchical node tree," the "child link" of a node in the "hierarchical index" of Igata is being construed as disclosing the "at least one child pointer," and the "part identifier" of a node in the "hierarchical index" of Igata is being construed as disclosing the "hint."

As discussed during the interview, it is the Applicant's position that Igata does not disclose the "part identifier" as being within the "child link"; whereas, in claim 1, the "hint" is stored within the "at least one child pointer." In other words, the structure of the "at least one child pointer" includes a "hint," an example of which is illustrated in FIG. 8 as child pointer 804.

Further, claim 1, recites that the "at least one child pointer" also includes "a node slot number of the corresponding child node," which is not disclosed anywhere in Igata.

Manikutty and Bailey do not cure the deficiencies of Igata. Manikutty is directed to techniques "for changing XML data in a SQL compliant DBMS" (col. 4, lns. 40-41 of Manikutty). Bailey is directed to a b-tree that "is configured to store information that can be used to facilitate locating a value or data item at a specific ordinal position, or to perform other positional access operations" (pg. 1, para. 0004 of Bailey).

Neither Manikutty nor Bailey discloses, teaches, or suggests, and the Office action has not cited any passage of Manikutty or Bailey as disclosing, teaching, or suggesting, "storing a hint within the at least one child pointer, the hint being related to the corresponding child node, wherein the at least one child pointer further comprises a node slot number of the corresponding child node," as recited in claim 1. Therefore, even if Igata were combined with Manikutty and/or Bailey, the combination would neither disclose nor teach the recited element.

Accordingly, based at least on the reasons above, Applicant respectfully submits that claim 1, and the claims that depend therefrom, are not anticipated by Igata and are patentable over Igata in view of Manikutty and/or Bailey. Since claims 11 and 21 recite elements similar to those recited in claim 1, it is respectfully submitted that those claims, and the claims that depend therefrom, are not anticipated by Igata and are patentable over Igata in view of Manikutty and/or Bailey for at least the same reasons.

New claims 31-33, which depend from claims 1, 11, and 21, respectively, further recite "each of the plurality of nodes in the hierarchical node tree specifies a type of node, one or more

nodes in the hierarchical node tree being of a text-type and one or more other nodes in the hierarchical tree being of a non-text type." Hence, the hierarchical node tree includes both text nodes and non-text nodes, such as element nodes, attribute nodes, etc.

In contrast, in Igata, the text part of a structured document is registered in the "text index" and the meta part of the structured document is registered in a separate "hierarchical index," (*see, e.g.*, col. 8, lns. 17-26 of Igata). Thus, Igata teaches away from claims 31-33. Further, neither Manikutty nor Bailey cures the deficiencies of Igata.

Accordingly, based at least on the additional reasons above, Applicant respectfully submits that claims 31-33 are further patentable over Igata in view of Manikutty and/or Bailey.

New claims 34-36, which depend from claims 1, 11, and 21, respectively, further recite "the at least one node in the hierarchical node tree further includes at least one other child pointer, the at least one other child pointer pointing to itself or to an in-lined character array." In other words, at least one of the nodes in the hierarchical node tree includes multiple child pointers, one of which points to itself or to an in-lined character array.

Igata does not disclose, teach, or suggest that a node in the "hierarchical index" includes multiple child links, where at least one of the child links points to itself or to an in-lined character array. Neither Manikutty nor Bailey cures the deficiencies of Igata.

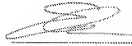
Accordingly, based at least on the above additional reasons, Applicant respectfully submits that claims 34-36 are further patentable over Igata in view of Manikutty and/or Bailey.

CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,
SAWYER LAW GROUP LLP

Dated: May 25, 2006



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